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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,573	11/01/2001	Henry J. Straub	702.115	4276

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EXAMINER

NGUYEN, TU X

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/002,573	Applicant(s) STRAUB, HENRY J.	
	Examiner Tu X. Nguyen	Art Unit 2684	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 37-44 and 47-55 is/are pending in the application.  
4a) Of the above claim(s) 1-36, 45 and 46 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 41-44 and 53-55 is/are allowed.
- 6) ☒ Claim(s) 37-40 and 47-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 2/7/06, have been fully considered but they are not persuasive.

Regarding claims 37 and 40, in response to Applicants argument the Examiner improperly combines with Marcarelli teaching limitation "codes all location data transmitted by the transceiver so that the location data can only be decoded by other radios having a similar auxiliary coding system". The Examiner respectfully disagrees, the combination of Sparague et al. and Marcarelli et al. are in the same field of endeavors, both teaching GPS receivers, position tracking system. Sparague et al. disclose a MX365A CTCSS encoder/decoder, similarly equipped (see col.2 lines 6-7 and col.4 lines 16-17) and it is obvious that radio transceivers can only code/decode if they have same type of CTCSS encoder/decoder (see col.2 lines 6-7. Sparague et al. and Marcarelli disclose GPS location data. Specifically, Marcarelli disclose "GPS system, encodes or converts that data and other data to a data format that using conventional radio transmission" (see par.039), it is obvious that in order to decode a formatted signal at a receiver, an encoder to transmit a same formatted signal at a transmitter.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2684

2. Claims 37-38 and 40-44, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sprague et al. (US Patent 5,422,816) in view of Marcarelli et al. (US Pub. 2002/0070881).

Regarding claim 37, Sprague et al. disclose a portable radio capable of communicating with other portable radios over a wireless radio network (see col.1 lines 12-45), the radio comprising:

- a transceiver (see 26, fig.1) for transmitting voice communications and location data to and receiving voice communications and location data from at least one of the other radios (see col.3 lines 1-12);

- a continuous tone coded squelch system (CTCSS) for controlling audio output of the transceiver so that a user of the radio only hears certain selected communications transceiver over the network (see col.2 lines 35-54).

Sprague et al. fail to disclose coding and decoding location data.

Marcarrelli et al. disclose coding and decoding location data (see par. 039, 041). Sprague et al. and Marcarrelli are combinable because they are having GPS receiver for receiving GPS data. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sprague with the above teaching of Marcarrelli in order to provide coder and decoder for convert data to other data format.

Regarding claim 40, Spargue et al. disclose a method of transmitting voice communications and location data between a plurality of radios, the method comprising the steps of:

transmitting the voice communications along with a continuous tone coded squelch system (GTCSS) sub-audible tone so that the radios receiving the voice communications will un-mute their audio if they have a CTCSS set to the sub-audible tone (see col.4 lines 7-15).

Sprague et al. fail to disclose coding and decoding location data.

Marcarrelli et al. disclose coding and decoding location data (see par. 039, 041).

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sprague with the above teaching of Marcarrelli in order to provide coder and decoder for convert data to other data format.

Regarding claim 38, the modified Sprague et al. disclose a GPS receiver for receiving satellite signals from a plurality of satellites (see Sprague, col.3 lines 50-65); and

a processor coupled with the GPS receiver for calculating a location of the radio as a function of the satellite signals (see Sprague, col.2 lines 56-67).

Regarding claim 47 and 50, the modified Sprague et al. disclose the voice communications and the location data are transmitted simultaneously (see Sprague, col.4 lines 30-31).

Regarding claim 48 and 53, the modified Sprague et al. disclose the voice communications and the location data does not interfere with transmission of the voice communications (see Sprague, col.5 lines 2-4, "duplex" reads on voice/data does not interfere).

3. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sprague et al. (US Patent 5,422,816) in view of Marcarelli et al. (US Pub. 2002/0070881) and further in view of Tranchina et al. (US Pub. 2003/0080897).

Art Unit: 2684

Regarding claim 39, the modified Sprague et al. disclose the wireless radio network comprises a Family Radio Service (FRS) network.

Tranchina et al. disclose the wireless radio network comprises a Family Radio Service (FRS) network (see par.005). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Prague with the above teaching of Tranchina et al. in order to be used when vacationing, hiking, biking, walking, and so forth.

4. Claims 49 and 52, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sprague et al. (US Patent 5,422,816) in view of Marcarelli et al. (US Pub. 2002/0070881) and further in view of Bickley et al. (US Patent 5,519,403).

Regarding claim 49 and 52, the modified Sprague et al. fail to disclose location data encryption code.

Bickley et al. disclose (see col.3 lines 7-14). Sprague et al. and Bickley are combinable because they both receive GPS data. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Sprague et al. with the above teaching of Bickley in order to provide secure communications (see Bickley, col.3 lines 65-66).

#### ***Allowable Subject Matter***

5. Claims 41-44 and 53-55 are allowed

6. The following is a statement of reasons for the indication of allowable subject matter:

Regarding independent claim 41, the prior arts fail to teach “emergency CTCSS tone that, when selected and transmitted, enables the audio output of the other radio whether or not the other radio has been set to the same CTCSS tone as the radio”, as cited in the claim.

### **Conclusion**

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Freeburg et al. (US Patent 4,131,849) describes two-way mobile radio voice/data shared communication system.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883. The examiner can normally be reached on Monday through Friday from 6:30AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2684

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TN

March 9, 2006

  
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